

CAUSE NO. C-2585-22-D

PERLA OLIVIA RIVERA	§	IN THE ____ JUDICIAL DISTRICT
	§	
VS.	§	
	§	COURT OF
	§	
AMERICAN MULTI-CINEMA INC.	§	HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES PERLA OLIVIA RIVERA, hereinafter referred to as Plaintiff, and files this, her Original Petition against AMERICAN MULTI-CINEMA INC., hereinafter referred to as Defendant, and for cause of action will show the Court the following:

DISCOVERY CONTROL PLAN - BY RULE (LEVEL 3)

1. Plaintiff intends to conduct discovery under Level 3 as provided by Rule 190 of the Texas Rules of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$250,000.00, but not more than \$1,000,000.00.

PARTIES

3. Plaintiff Perla Olivia Rivera is an individual who resides in Edinburg, Hidalgo County, Texas.

4. Defendant American Multi-Cinema, Inc. is a duly licensed corporation in Texas that may be served with process by serving its registered agent, Corporate Creations Network Inc., at 5444 Westheimer #1000, Houston, Texas 77056.

C-2585-22-DVENUE AND JURISDICTION

5. The incident described hereinbelow or events giving rise to Plaintiff's claim against Defendant arose in Edinburg, Hidalgo County, Texas. Venue for this cause of action therefore lies in Hidalgo County, Texas.

6. The damages that Plaintiff is seeking from Defendant are within the jurisdictional limits of the Court. This Court therefore has jurisdiction of this cause of action.

FACTS

7. On April 19, 2022, at 7:50 p.m., Plaintiff was at Defendant's AMC movie theatre located at 3003 US 281 in Edinburg, Hidalgo County, Texas, for business purposes. Plaintiff was walking on a concrete sidewalk in the parking of the theatre, tripped and/or lost her balance, fell, and suffered injuries and damages. The walkway, where an expansion joint was situated, was broken, deteriorating, crumbling, separated, not level, a fall hazard, and in violation of the Texas Accessibility Standards. The walkway, in its dangerous condition, caused Plaintiff to trip, lose her balance, fall, and suffer injuries and damages. Defendant either created the sidewalk in its dangerous condition or allowed the sidewalk to deteriorate and become dangerous over time by failing to inspect, maintain, repair and/or replace the deteriorating sidewalk. In this regard, Defendant created the dangerous condition that caused Plaintiff to trip, fall, and suffer injuries and damages. Knowledge of the dangerous condition is therefore imputed on Defendant under Texas Premises Liability Law.

CAUSE OF ACTION BASED ON
PREMISES LIABILITY LAW AND PROXIMATE CAUSE

8. At the time that is material to the incident described hereinabove and this case, Defendant was negligent under premises liability law in that: A. Plaintiff was a business invitee, B. Defendant owned, occupied, controlled, and/or possessed the premises where the incident described hereinabove occurred, C. A condition on the premises, the deteriorating and

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uneven sidewalk, as described in the preceding paragraph, posed an unreasonable risk of harm D. Defendant knew or reasonably should have known of the danger posed by the condition, and E. Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff of the condition and failing to make the condition reasonably safe. This negligence by Defendant was the sole proximate cause or a proximate cause of the incident described hereinabove and the injuries and damages suffered by Plaintiff, as set out hereinbelow.

DAMAGES

9. As a proximate cause of the negligence of Defendant in causing the incident described hereinabove, Plaintiff suffered injuries, suffered physical pain and mental anguish in the past, will suffer physical pain and mental anguish in the future, suffered physical impairment in the past, will suffer physical impairment in the future, suffered physical disfigurement in the past, will suffer physical disfigurement in the future, lost wages in the past, will suffer a loss of earning capacity in the future, incurred medical expenses in the past, and will incur medical expenses in the future. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$250,000.00, but not more than \$1,000,000.00, as compensation for her damages.

PREJUDGMENT AND POSTJUDGMENT INTEREST

10. Plaintiff further sues Defendant herein for prejudgment interest at the maximum rate allowed by law on those damages where such interest may be assessed and for postjudgment interest at the maximum rate allowed by law on all of Plaintiff's damages from the date of judgment until the judgment is paid in full.

REQUEST FOR JURY AND JURY FEE

11. Plaintiff requests that the above-styled and numbered cause be tried to a jury and represents to the Court that the proper jury fee has been paid to the Clerk of this Court with the filing of Plaintiff's Original Petition.

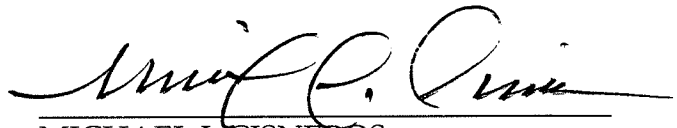
WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing, she have judgment against Defendant for all of her damages hereinabove alleged, for prejudgment

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and postjudgment interest, and for any and all other relief, both general and special, in law and in equity, and for all costs of Court in her behalf expended.

Respectfully Submitted,

THE CISNEROS LAW FIRM, L.L.P.
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A handwritten signature in black ink, appearing to read "Michael J. Cisneros", written over a horizontal line.

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